

EMERGENCY ORDER TO PREVENT THE SPREAD OF COVID-19 IN INDUSTRIAL FACILITIES

WHEREAS, on March 10, 2020, Governor Charlie Baker declared a state of emergency to respond to the COVID-19 outbreak;

WHEREAS, on March 13, 2020, Mayor Jon Mitchell declared a citywide state of emergency to respond to the COVID-19 outbreak;

WHEREAS, “industrial facility” is defined herein as any facility that manufactures, produces, processes, assembles, recycles or warehouses goods and shall include, but not be limited to, factories, fish processing plants, assembly facilities, and warehouses;

WHEREAS, “worker” is defined herein to include any person who performs labor at and for the benefit of an industrial facility, either as a direct employee of the industrial facility or through a staffing agency;

WHEREAS, workers at industrial facilities may have prolonged or frequent close contact with each other in the performance of their regular duties, including while working on production and/or assembly lines, which may increase the risk of transmission of COVID-19;

NOW THEREFORE, Mayor Jon Mitchell and the New Bedford Board of Health, in order to prevent the transmission of COVID-19, hereby ORDER the following, effective at 11:59 P.M., May 5, 2020:

- 1) Each industrial facility shall designate a COVID-19 Health and Safety Officer (“CHASO”) and provide the New Bedford Health Department with the CHASO’s name and e-mail address. At a minimum, the CHASO shall be responsible for:
 - a) Ensuring that temperature checks are conducted for all workers on the production floor at the beginning of their shift, and any visitor, upon arrival to the facility. No worker or visitor whose temperature is above 100.4 degrees shall be allowed into the facility. The CHASO shall make a record of each worker with a temperature above 100.4 degrees, including the worker’s name, address, temperature, and, if applicable, the name of the staffing agency with whom the worker is employed. For workers employed by a staffing agency, the CHASO will notify the staffing agency of the worker’s temperature, and that the worker must remain at home.

The facility will not permit the worker to return to work until the worker provides one of the following: a note from a physician stating that the worker’s presence at the industrial facility would not pose a direct threat to the health and safety of others at the industrial facility

due to COVID-19, or a medical record document indicating that the worker tested negative for COVID-19 within the previous five days or that the worker has self-quarantined for ten days;

b) Notifying the New Bedford Health Department of COVID-19 related information as required by the Board of Health's Emergency Order Concerning Reporting COVID-19 at Work Sites;

c) Obtaining an affirmation from any staffing agency that supplies workers to the industrial facility that the staffing agency has made its workers aware of any benefits available to them under the federal Families First Coronavirus Response Act ("FFCRA") and the Massachusetts Earned Sick Time Law and that the staffing agency is complying with any applicable provisions of FFCRA and the Massachusetts Earned Sick Time Law. The affirmation shall further state that if the staffing agency provides for the transportation of workers to the facility, that all workers shall wear face masks during transit; and further state that if a worker records a temperature above 100.4 degrees and is not permitted to work in an industrial facility pursuant to 1.a, above, the agency will direct the employee to remain at home and seek medical treatment, and will not assign the worker to another workplace, until the employee satisfies the return-to-work conditions set forth in 1.a, above. A model affirmation is included as Exhibit A to this Order.

- 2) Industrial facilities are strongly encouraged to conduct hazard assessments and to develop infectious disease preparedness and response plans with the input of their workers. OSHA guidance on developing infectious disease preparedness and response plans is available at <https://www.osha.gov/Publications/OSHA3990.pdf>. Industrial facilities shall educate workers and supervisors in their native languages on how they can reduce the spread of COVID-19, including by staying home when sick, cough and sneeze etiquette, and proper hand hygiene practices. Industrial facilities shall display in conspicuous locations throughout the facility posters conveying information about how to recognize the signs and symptoms of COVID-19 and how to prevent exposure to it. Such posters shall be displayed in all languages spoken by the worker population. Free informational posters containing these important messages are available for download at the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf> (English)
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs-sp.pdf> (Spanish)
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs-portuguese.pdf> (Portuguese).
- 3) Industrial facilities shall ensure that social distancing best practices are observed by all persons in the building, consistent with the most recent OSHA and CDC guidelines, and state and city mandates. Industrial facilities shall ensure that all

persons on the production or warehouse floor, along with all other persons everywhere else in the facility where social distancing is infeasible, wear surgical masks or similar face coverings.

- 4) Industrial facilities shall modify the alignment of workstations, including along processing lines, so that workers are at least six feet apart in all directions (e.g., side-to-side and when facing one another). Industrial facilities shall place six foot markings on the floor to ensure that workers remain six feet apart.

If it is not possible to maintain workers at distance of at least six feet in all directions, industrial facilities shall partition the workstations or production lines with impermeable physical barriers, such as strip curtains, plexiglass or similar materials, to separate workers and to prevent droplet migration.

If it is not possible for workers to remain six feet apart or to install impermeable physical barriers between them, the industrial facility shall supply the workers with, and mandate that they wear, Personal Protective Equipment (“PPE”), including, a standard face shield, surgical mask or similar face covering, gloves, and protective gowns. Industrial facilities shall provide written information and training to all workers in their native languages on how to safely put on, use, and remove PPE.

- 5) Industrial facilities shall perform or cause to be performed regular enhanced cleaning and disinfection of the facility, which shall include:
 - a) Proactive cleaning utilizing EPA-approved, hospital grade disinfectants on all high touch point areas throughout the production or warehouse floor,
 - b) Fogging/misting of the production or warehouse floor with an EPA approved, hospital grade disinfectant, when possible.

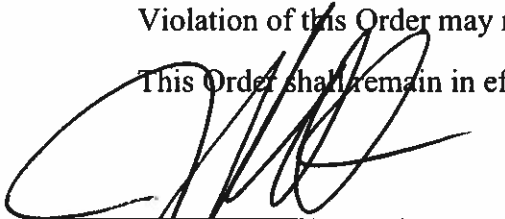
The CDC’s current recommended procedures for cleaning and disinfecting community facilities are available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

- 6) Industrial facilities shall provide workers with hot water, soap, paper towels, and hand sanitizers and with wash stations so that they can wash their hands and clean and disinfect their shoes.
- 7) If social distancing is not possible in break rooms or other common areas, industrial facilities shall remove or rearrange tables and chairs to increase worker separation or establish alternate sites for break rooms or meeting areas, including outside the facility.

- 8) Industrial facilities shall regularly and thoroughly sanitize interior surfaces and door handles of machines and vehicles
- 9) This order shall supersede all cease and desist orders concerning COVID-19 that have been issued to industrial facilities by the Board of Health as of the effective date of this Order.


Violation of this Order may result in a fine of \$300 per day per violation.

This Order shall remain in effect through the period of the Mayor's Emergency Order.



Mayor Jon Mitchell

May 5, 2020



Dr. Patricia Andrade
Chair, Board of Health

May 5, 2020

**AFFIRMATION CONCERNING COMPLIANCE WITH THE
FAMILIES FIRST CORONAVIRUS RESPONSE ACT,
THE MASSACHUSETTS EARNED SICK TIME LAW, AND
GOVERNOR BAKER’S MAY 2, 2020 ORDER REQUIRING FACE COVERINGS**

I swear under the pains and penalties of perjury that,

- (1) My name is **[insert name]**, and I am **[insert title]** at **[insert name of staffing agency]**, and I am authorized to make representations on behalf of **[insert name of staffing agency]**.
- (2) **[Name of staffing agency]** supplies workers to **[name of industrial facility]** in New Bedford, Massachusetts.
- (3) **[Name of staffing agency]** has provided its workers who work at **[name of industrial facility]** in New Bedford, Massachusetts with information about any benefits available to them under the federal Families First Coronavirus Response Act and/or the Massachusetts Earned Sick Time Law. Such information was provided to these workers in their native languages.
- (4) **[Name of staffing agency]** is fully complying with any applicable provisions of the Families First Coronavirus Response Act and the Massachusetts Earned Sick Time Law.
- (5) **[Name of staffing agency]** requires, consistent with Governor Baker’s May 1, 2020 “Order Requiring Face Covering in Public Places Where Social Distancing is Not Possible,” all workers for which it arranges transportation to industrial facilities in New Bedford to wear surgical masks or similar face coverings while in transit, and ensures that the vehicles in which they are transported are regularly sanitized.

[Name]

[Name of staffing agency]

Date: